

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

TALISMAN CASUALTY INSURANCE
COMPANY AND ABE'S BOAT RENTALS,
INC.

VERSUS

BRO-TEX INTERNATIONAL METALS,
LLC, HENRY & SONS CONSTRUCTION
COMPANY, INC., JEFF HENRY, JRPS, LLC,
ARCHIMEDES RECYCLING VENTURE,
LLC, AND VERSATILE MARINE
SERVICES, INC.

CIVIL ACTION NO. 1:20-CV-00169

JUDGE TRUNCALE

AGREED SCHEDULING/DOCKET CONTROL ORDER

2/5/2021
(1 week after mgmt conf.)

Deadline for Motions to Transfer.

3/12/2021
(6 weeks after mgmt conf.)

Deadline to add parties without leave of court.

04/30/2021

If parties plan to mediate, state date parties propose. This should be as early as possible, to avoid expense.

4/9/2021
(10 weeks after mgmt conf.)

Deadline to designate expert witnesses and reports on issues for which the party bears the burden of proof, pursuant to Federal Rule of Civil Procedure 26(a)(2) and Local Rule CV-26(b).

4/23/2021
(12 weeks after mgmt conf.)

Deadline for Plaintiffs to file amended pleadings. A motion for leave to amend is not necessary.

7 weeks after disclosure
of an expert is made

Deadline to object to any other party's expert witnesses. Objections shall be made by a motion to strike or limit expert testimony and shall be accompanied by a copy of the expert's report in order to provide the court with all the information necessary to make a ruling on any objection. The court will not accept objections to experts filed in any form—i.e., Motions in Limine—after this date.

Expert reports should include the categories of information set out in Federal Rule of Civil Procedure 26(a)(2)(B)(i)-(vi) and 26(a)(2)(C)(i)-(ii). Challenges to expert reports include those set out in Federal Rule of Evidence 702(a)-(d) and 703.

5/7/2021
(14 weeks after mgmt conf.)

Deadline for Defendant's final amended pleadings. A motion for leave to amend is not necessary.

5/21/2021
(16 weeks after mgmt conf.)

Deadline to designate expert witnesses and reports on issues for which the party does not bear the burden of proof, pursuant to Federal Rule of Civil Procedure 26(a)(2) and Local Rule CV-26(b).

7/16/2021
(24 weeks after mgmt conf.)

Deadline for Motions to Dismiss, Motions for Summary Judgment, or other dispositive motions.

8/13/2021
(28 weeks after mgmt conf.)

All discovery shall be commenced in time to be completed by this date.

7/29/2021
(9 weeks before Final
Pretrial)

Notice of intent to offer certified records.

8/5/2021
(8 weeks before Final
Pretrial)

Counsel and unrepresented parties are each responsible for contacting opposing counsel and unrepresented parties to determine how they will prepare the Joint Final Pretrial Order and Joint Proposed Jury Instructions and Verdict Form (or Proposed Findings of Fact and Conclusions of Law in non-jury cases).

To avoid the cost of designating deposition extracts and objecting to same, counsel shall discuss witnesses who have to be presented by deposition. Counsel should agree on a list of witnesses whom each counsel will subpoena, or if beyond the subpoena range (*see* Federal Rule of Civil Procedure 45), whom each counsel will arrange to have present at trial.

9/2/2021
(4 weeks before Final
Pretrial)

For witnesses who are not going to be called live, oral and video deposition designations due. Each party who proposes to offer a deposition by video shall serve on all other parties a disclosure identifying the line and page numbers to be offered. All other parties will have seven calendar days to serve a response with any objections and requesting line and page numbers to be offered. Counsel must consult on any objections, and only those which cannot be resolved shall be presented to the court. The party who filed the initial video deposition designation is responsible for preparation of the final edited video in

accordance with all parties' designations, and the court's rulings on objections. (Designations are not to be made for witnesses who will appear live, nor for impeachment on cross-examination.)

9/16/2021
(2 weeks before Final
Pretrial)

File unresolved objections to oral and video deposition extracts.

9/9/2021
(3 weeks before Final
Pretrial)

Motions in Limine due.

Deadline to file Joint Final Pretrial Order. (Obtain form for Exhibit List from Eastern District's website.)

9/16/2021
(2 weeks before Final
Pretrial)

Response to Motions in Limine due.

File Proposed Jury Instructions/Verdict Form (or Proposed Findings of Fact and Conclusions of Law).

Date will be set by court.
Usually within 10 days prior
to Final Pretrial.

If numerous objections are filed the court may set a hearing to consider all pending motions and objections.

9/30/2021

Final Pretrial at 9:00 a.m. in Courtroom 2, Jack Brooks Federal Courthouse, 300 Willow Street, Beaumont, Texas. Date parties should be prepared to try case. Provide court with two copies of Exhibit List, using form from District Clerk's Office. Absent agreement of the parties, this should not have exhibits which were not listed in the Final Pretrial Order.

10/04/2021

9:00 a.m. Bench Trial in Courtroom 2, Jack Brooks Federal Courthouse, 300 Willow Street, Beaumont, Texas. Case will then be tried in order with other cases on the docket. Depending on disposition of other cases on court's docket, jury selection may be the following week. About a month before Final Pretrial, counsel may wish to consult with opposing counsel for the other cases on the month's docket to determine whether their cases are likely to settle.